

1-1 By: Harris S.B. No. 307
1-2 (In the Senate - Filed January 24, 2007; February 14, 2007,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 2, 2007, reported favorably by the following vote: Yeas 4,
1-5 Nays 0; April 2, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to use of electronically readable information on a
1-9 driver's license or personal identification certificate in
1-10 connection with the over-the-counter sale of ephedrine,
1-11 pseudoephedrine, or norpseudoephedrine; providing a criminal
1-12 penalty.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter B, Chapter 486, Health and Safety
1-15 Code, is amended by adding Section 486.0141 to read as follows:

1-16 Sec. 486.0141. USE OF CERTAIN ELECTRONICALLY READABLE
1-17 INFORMATION. (a) A person may access electronically readable
1-18 information on a driver's license, commercial driver's license, or
1-19 personal identification certificate for the purpose of complying
1-20 with Section 486.014.

1-21 (b) Information accessed under this section may not be sold
1-22 or otherwise disseminated to a third party for any purpose,
1-23 including any marketing, advertising, or promotional activities.
1-24 The information may be obtained by court order or on request by the
1-25 department or the Department of Public Safety.

1-26 (c) A person who violates this section commits an offense.
1-27 An offense under this section is a Class A misdemeanor.

1-28 SECTION 2. Subsection (d), Section 521.126, Transportation
1-29 Code, as amended by Chapters 391 and 1189, Acts of the 79th
1-30 Legislature, Regular Session, 2005, is amended to read as follows:

1-31 (d) The prohibition provided by Subsection (b) does not
1-32 apply to a person who accesses, uses, compiles, or maintains a
1-33 database of the information for a law enforcement or governmental
1-34 purpose, including:

1-35 (1) an officer or employee of the department carrying
1-36 out law enforcement or government purposes;

1-37 (2) a peace officer, as defined by Article 2.12, Code
1-38 of Criminal Procedure, acting in the officer's official capacity;

1-39 (3) a license deputy, as defined by Section 12.702,
1-40 Parks and Wildlife Code, issuing a license, stamp, tag, permit, or
1-41 other similar item through use of a point-of-sale system under
1-42 Section 12.703, Parks and Wildlife Code;

1-43 (4) a person acting as authorized by Section 109.61,
1-44 Alcoholic Beverage Code; ~~or~~

1-45 (5) a person establishing the identity of a voter
1-46 under Chapter 63, Election Code; ~~or~~ ~~[-]~~

1-47 (6) ~~[(5)]~~ a person acting as authorized by Section
1-48 161.0825 ~~or~~ 486.0141, Health and Safety Code.

1-49 SECTION 3. This Act takes effect immediately if it receives
1-50 a vote of two-thirds of all the members elected to each house, as
1-51 provided by Section 39, Article III, Texas Constitution. If this
1-52 Act does not receive the vote necessary for immediate effect, this
1-53 Act takes effect September 1, 2007.

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